

**JUSTINE FISCHER**

OSB: 81224

e-mail: JFAttyOR@aol.com

**Attorney at Law**

720 SW Washington Street, Suite 750

Portland, OR 97205

Telephone: (503) 222-4326

Facsimile: (503) 222-6567

Liaison Counsel for Plaintiffs Cheryl Barrer  
and Walter Barrer

NOAH A. LEVINE (*Pro Hac Vice*)

e-mail: noah.levine@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

399 Park Avenue

New York, NY 10022

Telephone: (212) 230-8875

Facsimile: (212) 230-8888

Attorneys for Defendant Chase Bank USA, N.A.

[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

CHERYL BARRER and WALTER BARRER,  
on Behalf of Themselves and Those Similarly  
Situating,

CASE NO. 06-CV-415-HA

**CLASS ACTION**

Plaintiffs,

**SECOND SUPPLEMENTAL REPORT  
OF THE PARTIES' RULE 26(f)  
PLANNING MEETING**

v.

CHASE BANK USA, N.A. and DOES 1  
through and including 100,

Defendants.

---

The parties submitted a Supplemental Report of their Rule 26(f) planning meeting on August 24, 2011 [Dkt. No. 107], which included a proposed Case Management Schedule. Many of the proposed dates therein (including Plaintiffs' deadline for filing a motion for class certification), were based, in part, on the parties' expectation that Defendant Chase Bank USA, N.A. ("Chase") would complete its production of documents in response to Plaintiffs' First Request for Production by the end of October, 2011.

Although Chase has been producing documents to Plaintiffs on a rolling basis, and has to date produced more than 200,000 pages, it has not completed its production. Chase currently expects to complete its production by the end of January, 2012. Plaintiffs have not yet been able to conduct depositions relevant to their motion for class certification, but are preparing to do so in late January. Nor has Chase been able to depose the named plaintiffs. In light of these previously unforeseen circumstances, the parties respectfully propose the following revised Case Management Schedule:

| <b>Event</b>  | <b>Plaintiffs' Position</b>                          | <b>Defendant's Position</b>           |
|---|--|---------------------------------------|
| Deadline for motion for class certification, designation of any experts on class certification, and service of expert disclosure(s), as they relate to class certification              | February 27, 2012                                    | February 27, 2012                     |
| Defendants' opposition to motion for class certification, designation of any experts on class certification, and service of expert disclosure(s), as they relate to class certification | April 23, 2012                                       | April 23, 2012                        |
| Plaintiffs' reply in support of motion for class certification  | June 18, 2012 <sup>1</sup>                           | June 18, 2012                         |
| Hearing on motion for class certification   | To be set by Court                                   | To be set by Court                    |
| Parties to hold conference to discuss case management schedule  | 30 days after Court's ruling on class certification. | 30 days after Court's ruling on class |

<sup>1</sup> This date was chosen, in part, to accommodate an extended period in May, 2012, in which Plaintiffs' counsel will be out of the Country.

| Event   | Plaintiffs' Position | Defendant's Position |
|---|----------------------|----------------------|
| for remainder of case, taking into account Court's ruling on class certification. |                      | certification.       |

The parties continue to believe that it is premature to schedule additional dates or deadlines until after such time that the Court rules on Plaintiffs' motion for class certification. The parties, therefore, propose to defer until resolution of any motion for class certification, after which the parties will confer regarding any remaining case management issues and propose any remaining deadlines such as for completion of discovery, submission of Rule 26(a)(3) witness lists, designation of witnesses whose testimony will be presented by deposition, identification of exhibit lists, filing of objections under Rule 26(a)(3), and any trial.

DATED: January 13, 2012

STANLEY • IOLA, LLP

/s/ Matthew J. Zevin  
MATTHEW J. ZEVIN (*admitted pro hac vice*)

e-mail: mzevin@aol.com  
525 B Street, Suite 760  
San Diego, CA 92101  
Telephone: (619) 235-5306  
Facsimile: (825) 377-8419

JUSTINE FISCHER  
Attorney at Law  
JUSTINE FISCHER  
OSB: 81224  
e-mail: JFAttyOR@aol.com  
Attorney at Law  
720 SW Washington Street, Suite 750  
Portland, OR 97205  
Telephone: (503) 222-4326  
Facsimile: (503) 222-6567

BRAUN LAW GROUP PC  
MICHAEL D. BRAUN  
e-mail: mdb@braunlawgroup.com  
10680 West Pico Boulevard, Suite 280  
Los Angeles, CA 90064  
Telephone: (310) 836-6000  
Facsimile: (310) 836-6010

Attorneys for Plaintiffs Cheryl Barrer  
and Walter Barrer

DATED: January 13, 2012

WILMER CUTLER PICKERING  
HALE AND DORR LLP  
NOAH A. LEVINE (*admitted pro hac vice*)

/s/ Noah A. Levine

NOAH A. LEVINE

e-mail: noah.levine@wilmerhale.com  
399 Park Avenue  
New York, NY 10022  
Telephone: (212) 230-8875  
Facsimile: (212) 230-8888

PILAR C. FRENCH, OSB NO. 962880  
e-mail: FrenchP@LanePowell.com  
LANE POWELL PC  
601 S.W. Second Avenue, Suite 2100  
Portland, OR 97204  
Telephone: (503) 778-2170  
Facsimile: (503) 778-2200

Attorneys for Defendant Chase Bank USA, N.A.

**PROOF OF SERVICE**

*Cheryl Barrer, et al. vs. Chase Bank USA, NA, et al.*

CASE NO.: 06-CV-415-HA

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action. I am employed in the County of San Diego, State of California. My business address is: 550 West C Street, Suite 1600, San Diego, CA 92101.

That on January 13, 2012, I served the following document(s) entitled: **SECOND SUPPLEMENTAL REPORT OF THE PARTIES' RULE 26(f) PLANNING MEETING on ALL INTERESTED PARTIES** in this action:

**SEE ATTACHED SERVICE LIST**

- ☐ **BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal Service. The correspondence, pleadings and other matters are deposited with the United States Postal Service with postage thereon fully prepaid in San Diego, California, on the same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be contained in an overnight envelope and to be deposited in a **Federal Express/Overnite Express** box located at 550 West C Street, San Diego, California, for delivery to the above address(es).
- ☐ **BY FAX:** I transmitted a copy of the foregoing document(s) this date via telecopier to the facsimile numbers shown on the attached service list. The facsimile machine I used reported no error and I caused the machine to print a transmission record of the transmission.
- ☒ **BY CM/ECF ELECTRONIC SERVICE:** I caused such document to be served via the Court's (NEF) electronic filing system on all registered parties.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 13, 2012, at San Diego, California.

/s/ Matthew J. Zevin  
MATTHEW J. ZEVIN

**SECOND SUPP REPORT OF THE PARTIES'  
RULE 26(f) PLANNING MEETING**